IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 14073-M of 2005

DATE OF DECISION : 15.02.2007

Karnail Singh

.... PETITIONER

Versus

State of Punjab and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Ashu Kaushik, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

* * *

Initially, petitioner Karnail Singh had filed this petition under Article 226/227 of the Constitution of India, which has now been treated as one under Section 482 Cr.P.C., vide order dated February 25, 2005.

The petitioner is seeking transfer of investigation in case FIR No. 334 dated 1.9.2004 under Sections 302/34 IPC, registered at Police Station Sadar, Hoshiarpur.

I have heard counsel for the parties.

Counsel for the respondent-State contends that in the aforesaid FIR, after investigation, cancellation report was submitted by the police and when notice of the said report was given to the complainant Nirmail Singh, who is real brother of the present petitioner, he filed the protest petition, which was considered and rejected. Accordingly, the cancellation report was accepted by the court of Judicial Magistrate Ist Class, Hoshiarpur, vide detailed order dated 22.12.2006, certified copy of which has been placed on record by the State Counsel. In view of this fact, counsel for the petitioner states that the petitioner may be permitted to withdraw this petition with

liberty to challenge the aforesaid order dated 22.12.2006 before the competent court.

Dismissed as withdrawn with the aforesaid liberty.

February 15, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**